IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION 3:07CV22

SYLVIA BETHEA,)	
Plaintiff,)	
vs.)	ORDER
MICHAEL J ASTRUE,)	
Commissioner of Social Security)	
Administration,)	
Defendant.)	

This matter is before the Court upon the memorandum and recommendation of United States Magistrate Carl Horn, filed January 4, 2008. The parties were advised that pursuant to 28 U.S.C. § 636(b)(1)(C), written objections to the memorandum and recommendation must be filed within 10 days after service of the memorandum. The Plaintiff timely filed an objection.

After an independent and thorough review of the magistrate's memorandum, Plaintiff's objections thereto, and a <u>de novo</u> review of the record, the Court concludes that the recommendation to deny Plaintiff's Motion for Summary Judgment and grant the Commissioner's Motion for Summary Judgment is correct and in accordance with law.

Accordingly, the findings and conclusions of the magistrate are accepted, Plaintiff's Motion for Summary Judgment is **DENIED**, and the Commissioner's Motion for Summary Judgment is **GRANTED**.

IT IS THEREFORE ORDERED that the memorandum and recommendation of the

magistrate is hereby AFFIRMED.

Signed: April 1, 2008

Graham C. Mullen United States District Judge